



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,820	03/19/2004	Anthony Carter	480062.744	7101

35243 7590 01/22/2007
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

NGUYEN, PHILLIP H

ART UNIT PAPER NUMBER

2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/804,820

Applicant(s)

CARTER ET AL.

Examiner

Phillip H. Nguyen

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20041122
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the original filing date of March 19, 2004. Claims 1-32 are pending and have been considered below.

Oath/Declaration

2. It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
3. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
4. It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.
5. Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Examiner's note:

Claims 1, 4, 14, and 21 recite the word "for" in the body of the claims and the phrase "capable of" in claim 27. They indicate intended use and as such do not carry patentable weight. The limitations following the phrase "for" or "capable of" describe only intended use but not necessarily required functionality of the claim.

Applicant appears to be attempting to invoke 35 U.S.C. 112 6th paragraph in claims 22-26 by using "means plus function" language. However, Examiner notes that in claim 22, the "means" for performing the cited functions ("automatically comparing..." and "automatically loading...") in the specification appears to cover software means. Additionally, claims 24-26 also appear to cover software means. Since, no other specific structural limitations are disclosed in the specification for these means, they have not invoked 35 U.S.C. 112 6th paragraph when considered below.

Specification

6. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

7. The incorporation of essential material in the specification by reference to a patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

8. In paragraph 0025, Applicant discloses "The storage medium 104 may also include a browser 120 for ..." is unclear to Examiner as to whether a browser 120 is also a storage medium 104 or a browser 120 is stored in the storage medium 104. Applicant is advised to change the word "include" to "store" or rewrite the sentence to say that a browser 120 is stored in the storage medium 104.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 17¹⁸ and 25²⁶ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims recite, the word "substantially" is unclear to the Examiner as to whether substantially is a little bit of rebuilding an operating system image or no rebuilding an operating system image involved at all. Applicant is required to clarify the word "substantially".

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2191

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-13, and 15-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (United States Patent Application Publication No.: 2005/0102660 A1).

As per claim 1:

Chen discloses a method to install software features into an electronic device, the method comprising:

- storing at least one product configuration matrix (PCM) in the electronic device, the PCM including information representative of at least one software feature that can be installed in the electronic device ("**an existing software image resident in the device memory 110 of the electronic device 111**" Paragraph 0041, line 14-15);
- reading the PCM information ("**comparing an existing software image resident in the device...**" Paragraph 14, in order to compare, reading the **file must performed**);
- comparing the read PCM information with information from a configuration control file (CCF) ("**comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128**" Paragraph 0041, line 14-18); and

- for a match between the PCM information and the CCF information, obtaining a software feature that corresponds to the match and installing that software feature into the electronic device (**"computes differences in the software images and creates an appropriate software package...applying the update package onto the electronic device 111 by processing and executing the instructions provided with the software package"** Paragraph 0041, line 18-23).

As per claim 2:

Chen discloses the method as in claim 1 above; and further discloses:

- wherein storing the PCM in the electronic device comprises storing the PCM into a data collection device (**"an existing software image resident in the device memory 110"** Paragraph 0041, line 14-15).

As per claim 3:

Chen discloses the method as in claim 1 above; and further discloses:

- wherein at least some of the reading, comparing, obtaining, and installing is automatically performed during a boot sequence of the electronic device (**comparing, obtaining, and installing are done automatically by the "generator 107" module**).

Art Unit: 2191

As per claim 4:

Chen discloses the method as in claim 1 above; and further discloses:

- comparing each position in the alphanumeric string with a corresponding position in a mask in the CCF (**"comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128"** Paragraph 0041, line 14-18; **"binary images may be comprised of a pattern of binary or hexadecimal characters that creates a unique image... 0xFFFF"** Paragraph 0044);
- for at least one position of the alphanumeric string that matches with a corresponding position in the mask, determining from the CCF a first location indicative of where a corresponding software feature is available and a second location in the electronic device where that software feature is to be installed (**"the binary creator 124 may be used to initialize device memory 110 in different types of devices so that subsequent processing by the generator 107 may be accomplished. Such processing includes determining different versions of the same software or determining unused memory locations in a device memory 110"** Paragraph 0046); and
- obtaining that software feature from the first location and installing the obtained software feature in the second location (**"creates an appropriate software package...applying the update package onto the electronic**

device 111 by processing and executing the instructions provided with the software package” Paragraph 0041, line 19-23).

As per claim 5:

Chen discloses the method as in claim 4 above; and further discloses:

- wherein obtaining the software feature from the first location includes obtaining the software feature from at least one of a file system (**“software that may be stored in the software repository 113 or the external computer system 128”** Paragraph 0041, line 17-18), wireless network, and wired network that are all remote from the electronic (**“generator 107 may interface with an electronic device 111 by way of wireless, wireline data communications”** Paragraph 0042, line 29-30).

As per claim 6:

Chen discloses the method as in claim 4 above; and further discloses:

- wherein comparing each position in the alphanumeric string with a corresponding position in a mask includes comparing each position in the alphanumeric string with corresponding positions in multiple masks CCF (**“comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128”** Paragraph 0041, line 14-18; **“binary images may be**

comprised of a pattern of binary or hexadecimal characters that creates a unique image... 0xFFFF" Paragraph 0044);

As per claim 7:

Chen discloses the method as in claim 1 above; and further discloses:

- wherein at least some of the storing, reading, comparing, obtaining, and installing is automatically performed during a boot sequence of the electronic device, subsequent to loading drivers of the electronic device and prior to loading a user interface of the operating system of the electronic device ("**the software (or firmware) is executed upon power up of the electronic device 111 in preparation for normal operation by the user**" Paragraph 0033, line 24-26).

As per claim 8:

Chen discloses the method as in claim 1 above; and further discloses:

- wherein obtaining the software feature that corresponds to the match includes obtaining encapsulated code for the software feature ("**creates an appropriate software package**" Paragraph 0041, line 19).

As per claim 9:

Chen discloses the method as in claim 1 above; and further discloses:

Art Unit: 2191

- either or both updating the CCF and generating the CCFs if there are updates and additions to software features that can be installed in the electronic device ("**update package onto the electronic device 111**" Paragraph 411, line 21, **the updated package includes the CCF**).

As per claim 10:

Chen discloses the method as in claim 1 above; and further discloses:

- wherein storing the PCM in the electronic device comprising storing the PCM in nonvolatile memory of the electronic device ("**device memory 110 includes random operation memory (ROM), electrically programmable ROM**" Paragraph 0034, line 8-9).

As per claim 11:

Chen discloses the method as in claim 1 above; and further discloses:

- obtaining the CCF from at least one of a file system ("**software that may be stored in the software repository 113 or the external computer system 128**" Paragraph 0041, line 17-18), wireless network, and wired network that are all remote from the electronic device ("**generator 107 may interface with an electronic device 111 by way of wireless, wireline data communications**" Paragraph 0042, line 29-30).

As per claim 12:

Chen discloses the method as in claim 1 above, but does not explicitly disclose:

- wherein installing the software feature in the electronic device includes installing the software feature without rebuilding an operating system image of the electronic device. **It is inherent in Chen's approach since the operating system has not been rebuilt after the software installation. Beside only software is updated, not hardware, no need to rebuild the operating system.**

As per claim 13:

Chen discloses a method, comprising:

- storing first information in an electronic device that is indicative of configuration features for the electronic device ("**an existing software image resident in the device memory 110 of the electronic device 111**" Paragraph 0041, line 14-15);
- storing second information indicative of configuration features that are available for loading into the electronic device ("**a new version of the same software that may be stored in the software repository 113 or the external computer system 128**" Paragraph 0041, line 16-18);
- automatically comparing the first and the second information ("**comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may**

- be stored in the software repository 113 or an external computer system 128"** Paragraph 0041, line 14-18); and
- automatically loading a configuration feature into the electronic device that corresponding to a match between the compared first and second information (**"computes differences in the software images and creates an appropriate software package...applying the update package onto the electronic device 111 by processing and executing the instructions provided with the software package"** Paragraph 0041, line 18-23).

As per claim 15:

Chen discloses the method as in claim 13 above; and further discloses:

- wherein storing the second information includes storing the second information in a file that is remote from the electronic device, including storing the file in at least one of a remote file system (**"software that may be stored in the software repository 113 or the external computer system 128"** Paragraph 0041, line 17-18), wireless network, and wired network (**"generator 107 may interface with an electronic device 111 by way of wireless, wireline data communications"** Paragraph 0042, line 29-30).

As per claim 16:

Chen discloses the method as in claim 13 above; and further discloses:

- performing the automatic comparing and loading a software feature into the electronic device (**"the software (or firmware) is executed upon power up of the electronic device 111 in preparation for normal operation by the user"** Paragraph 0033, line 24-26).

As per claim 17:

Chen discloses the method as in claim 13 above, but does not explicitly disclose:

- wherein loading the configuration feature into the electronic device comprises loading a software feature into the electronic device substantially without rebuilding an operating system image of the electronic device. **It is inherent in Chen's approach since the operating system image has not been rebuilt after the software installation. Beside, only software is updated, not hardware, no need to rebuild the operating system image.**

As per claim 18:

Chen discloses the method as in claim 13 above; and further discloses:

- remotely obtaining code in encapsulated format that represents the software feature that is to be loaded into the electronic device (**"creates an appropriate software package"** Paragraph 0041, line 19, software is in packaged format).

Art Unit: 2191

As per claim 19:

Chen discloses an article of manufacture, comprising:

- a machine-readable medium having instructions stored thereon to cause a processor to install software feature into an electronic device (**"a device memory 110 capable of storing and running firmware or software for properly booting up and subsequently operating the electronic device 111"** Paragraph 0034, line 5-7), by:
 - o reading at least one product configuration matrix (PCM) stored in the electronic device, the PCM including information representative of at least one software feature that can be installed in the electronic device (**"comparing an existing software image resident in the device..."** Paragraph 14, in order to compare, reading the file must performed);
 - o obtaining a configuration control file (CCF) remotely from the electronic device (**"software that may be stored in the software repository 113 or the external computer system 128"** Paragraph 0041, line 17-18);
 - o comparing the read PCM information with information from the obtained CCF (**"comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128"** Paragraph 0041, line 14-18);

Art Unit: 2191

- identifying at least one match between the PCM information and the CCF information ("**computes differences in the software images**" Col 0041, line 18-19, **computes the difference to identify the match**);
- obtaining a software feature that corresponds to the match and loading that software feature into the electronic device ("**creates an appropriate software package...applying the update package onto the electronic device 111 by processing and executing the instructions provided with the software package**" Paragraph 0041, line 19-23).

As per claim 20:

Chen discloses the article of manufacture as in claim 19 above; and further discloses:

- wherein at least some of the instructions to store, read, obtain the CCF, compare, identify, and obtain the software feature, and install include instructions to automatically perform at least some of these during a boot sequence of the electronic device ("**the software (or firmware) is executed upon power up of the electronic device 111 in preparation for normal operation by the user**" Paragraph 0033, line 24-26).

As per claim 21:

Chen discloses the method as in claim 19 above; and further discloses wherein the instructions to read the PCM information includes instructions to read an alphanumeric string, and wherein the instructions to compare the read PCM information with information from the CCF includes instructions to:

- compare each position in the alphanumeric string with a corresponding position in a mask in the CCF (**“comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128”** Paragraph 0041, line 14-18; **“binary images may be comprised of a pattern of binary or hexadecimal characters that creates a unique image... 0xFFFF”** Paragraph 0044);
- for at least one position of the alphanumeric string that matches with a corresponding position in the mask, determining from the CCF a first location indicative of where a corresponding software feature is available and a second location in the electronic device where that software feature is to be installed (**“the binary creator 124 may be used to initialize device memory 110 in different types of devices so that subsequent processing by the generator 107 may be accomplished. Such processing includes determining different versions of the same software or determining unused memory locations in a device memory 110”** Paragraph 0046); and

Art Unit: 2191

- obtaining that software feature from the first location and installing the obtained software feature in the second location ("**creates an appropriate software package...applying the update package onto the electronic device 111 by processing and executing the instructions provided with the software package**" Paragraph 0041, line 19-23).

As per claim 22:

Chen discloses a system, comprising:

- a means for storing first information in an electronic device that is indicative of configuration features for the electronic device ("**device memory 110**" Paragraph 0041, line 15);
- a means for storing second information indicative of configuration features that are available for loading into the electronic device ("**software repository 113**" Paragraph 0041, line 17);
- a means for automatically comparing the first and second information ("**comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128**" Paragraph 0041, line 14-18); and
- a means for automatically loading a configuration feature into the electronic device that corresponds to a match between the compared first and second information ("**applying the update package onto the electronic device 111**"

by processing and executing the instructions provided with the software package” Paragraph 0041, line 21-23).

As per claim 23:

Chen discloses the system as in claim 22 above; and further discloses:

- means for remotely storing either or both the CCF and the available configuration features remotely from the electronic device (“**software repository 113 or the external computer system 128” Paragraph 0041, line 17-18).**

As per claim 24:

Chen discloses the system as in claim 22 above; and further discloses:

- means for performing at least some of the automatic comparing (“**comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128” Paragraph 0041, line 14-18)** and loading during a boot sequence of the electronic device (“**applying the update package onto the electronic device 111 by processing and executing the instructions provided with the software package” Paragraph 0041, line 21-23).**

Art Unit: 2191

As per claim 25:

Chen discloses the system as in claim 22 above; and further discloses:

- means for extending and adapting the CCF additional software features to be automatically installed in the electronic device after other software features have been previously loaded ("**the software package comprising either a new software package that is loaded in a new electronic device 111 at the time of manufacture or a software update package that is installed as a revision to an existing software package in an electronic device 111**" Paragraph 0041, line 6-10) and substantially without requiring a rebuild of an operating system of the electronic device (**It is inherent in Chen's approach since only software is updated, not hardware**)

As per claim 26:

Chen discloses the system as in claim 22 above; and further discloses:

- means present in the electronic device for supporting operation of the electronic device ("**software for properly booting up and subsequently operating the electronic device 111**" Paragraph 0034).

As per claim 27:

Chen discloses an apparatus, comprising:

- an operating system of an electronic device (**it is inherent in order to operating the electronic device, the operating system is stored in the**

memory device 110 for operating the electronic device 111 Paragraph 0034, line 7);

- a product configuration matrix (PCM) having instruction representative of at least one software feature that can be installed in the electronic device (“**an existing software image resident in the device memory 110 of the electronic device 111**” Paragraph 0041, line 14-15), the PCM information capable of being compared with information from an external configuration control file (CCF) to determine if there is at least one match between the PCM information and the CCF information (“**comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128**” Paragraph 0041, line 14-18);
- a communication interface through which to receive a software feature that corresponds to a match between the PCM information and the CCF information (“**wireless or wireline data communications**” Paragraph 0042, line 30);
- a storage medium in which to automatically install the received software feature (“**a device memory 110 capable of storing and running firmware or software**” Paragraph 0034), the software feature being automatically installed in the storage medium substantially without rebuild the operating system (**applying the update package onto the electronic device 111 by**

processing and executing the instructions provided with the software package” Paragraph 0041, line 18-23).

As per claim 28:

Chen discloses the apparatus as in claim 27 above; and further discloses:

- wherein the electronic device can perform a boot sequence, wherein at least some of the comparison of PCM and CCF information, reception of the software feature, and automatic installation of the software feature can be performed during the boot sequence (**“the software (or firmware) is executed upon power up of the electronic device 111 in preparation for normal operation by the user”** Paragraph 0033, line 24-26).

As per claim 29:

Chen discloses the apparatus as in claim 27 above; and further discloses:

- wherein the PCM is stored in a nonvolatile memory location of the electronic device (**“device memory 110 includes random operation memory (ROM), electrically programmable ROM”** Paragraph 0034, line 8-9).

As per claim 30:

Chen discloses the apparatus as in claim 27 above; and further discloses:

Art Unit: 2191

- wherein the PCM comprises an alphanumeric string (**"binary images may be comprised of a pattern of binary or hexadecimal characters that create a unique image...0xFFFF"** Paragraph 0044).

As per claim 31:

Chen discloses the apparatus as in claim 27 above; and further discloses:

- wherein the communication interface can obtain either or both the CCF and software from at least one of a remote file system (**"software may be stored in the external computer system 128"**, Paragraph 0041, line 17-18), wireless network, and wired network (**"may interface with an electronic device 111 by way of wireless or wireline data communications"** Paragraph 0042, line 29-30).

As per claim 32:

Chen discloses the apparatus as in claim 27 above; and further discloses:

- wherein the electronic device comprises a data collection device (**"within the electronic device 111 resides a device memory 110 capable of storing and running firmware or software for properly booting up..."** Paragraph 0034, line 4-6).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (United States Patent Application Publication No.: US 2005/0102660 A1).

As per claim 14:

Chen discloses the method as in claim 13 above; and further discloses wherein storing the second information includes:

- providing a mask having characters arranged in positions of a string
 ("0xFFFF" Paragraph 0044
- specifying, for each of the positions that have the second type of alphanumeric character, a location where a corresponding configuration feature can be copied from external to the electronic device (**"a software package may be incorporated into a binary image and then saved into the software repository 113 for future use by the generator 107"** Paragraph 0045); and
- specifying, for each of the positions that have the second type of alphanumeric character, a location where a corresponding configuration feature can be copied to in the electronic device (**"software package may be**

saved in the...loaded directly onto device memory 110 of one or more electronic device" Paragraph 0045).

- Having a second type of alphanumeric character, different from the first type of alphanumeric character, in positions in the string that are to be compared (**"comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or an external computer system 128" Paragraph 0041, line 14-18; "binary images may be comprised of a pattern of binary or hexadecimal characters that creates a unique image... 0xFFFF" Paragraph 0044).**

Chen does not explicitly disclose:

- the string having a first type of alphanumeric character in positions in the string that are to be ignored during the comparing with the first information.

However, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Chen's approach to ignored some alphanumeric character when compared.

Therefore, one of ordinary skill in the art would have been motivated to modify Chen's approach to have first type of alphanumeric character in position in the string that are ignored during the comparing with the first information in order to accomplish the comparison. Not every characters in a string are for comparing so ignore some character is necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
01/17/2007


WEI ZHEN
SUPERVISORY PATENT EXAMINER